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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,944	05/04/2005	Marc Borner	BASF-0021	9585
24997 7590 09/29/2009 MILLEN, WHITE, ZELANO & BRANIGAN, PC 2200 CLARENDON BLVD SUITE 1400 ARLINGTON, VA 22201				
EXAMINER NGUYEN, THUY-AI N				
ART UNIT 1796		PAPER NUMBER		
MAIL DATE 09/29/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,944

Applicant(s)

BORNERT ET AL.

Examiner

THUY-AI N. NGUYEN

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's responses filed on July 22, 2009 have been fully considered. Claims 1 and 15 are amended. Claim 15 is withdrawn corresponding to non-elected invention. Claims 1- 15 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skee (US. 6,599,370) in view of Smith et al. (US. 2005/0042198).

Regarding claims 1- 7, Skee teaches an alkaline composition comprising one or more bases having pH of about 10- 13 including ammonium hydroxide (abstract and col. 4; 20- 32) and one or more stabilizing agents including hydrogen peroxide in an amount of from 0.1 to 50 percent (col. 4; 20- 40) and nitrilotriacetic acid as chelating agent in an amount of 0.01 to 10 percent (abstract and col. 8; 20- 45). Skee teaches that phosphorus containing compound is alternative of other chelating agent (col. 8; 20- 67) which is not required. At the time of the invention, it would have been obvious to

one of ordinary skill in the art to have the composition comprising the same components having the same proportion as said in the claim because Skee discloses a composition encompassing all ingredients as said.

Skee does not teach the composition comprising 2,2-Bis-(hydroxyethyl)-(iminotris)-(hydroxymethyl)methane [bis-tris]. Smith et al. teach a solution for wetting, cleaning and rinsing contact lens comprising alkaline compound (sodium hydroxide, example 4, p. 3), hydrogen peroxide [0004], chelating agent nitrilotriacetic acid, EDTA [0005], water (example 4, p. 3) and 0.001 to 10 percent of the buffer (abstract) including 2,2-Bis-(hydroxyethyl)-(iminotris)-(hydroxymethyl)methane [Bis-Tris] (claim 13, p. 5). Skee and Smith et al. are analogous arts because they teach about the similar cleaning solution comprising alkaline solution, hydrogen peroxide, water and chelating agents. Skee and Smith et al. both have the same technical difficulty relating to cleaning silicon containing substrate (contact lens of Smith, and wafer of Skee, col. 13: 26- 30). At the time of the invention, it would have been obvious to one of ordinary skill in the art to add buffer 2,2-Bis-(hydroxyethyl)-(iminotris)-(hydroxymethyl) methane [Bis-Tris] of Smith et al. in the teaching of Skee to maintain the pH within the desired range and achieve the cleaning efficacy of the solution or composition.

Claims 8- 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skee (US. 6,599,370) in view of Smith et al. (US. 2005/0042198) .

Regarding claim 8, Skee teaches the method for cleaning a semiconductor substrates comprising a step of treating the semiconductor substrate with cleaning

solution and drying the substrate after rinsing (col. 13: 10- 25), wherein the composition is said in the rejection of claim 1 above.

Regarding claims 9 -10, Skee teaches the method, wherein the cleaning process is performed at 10 to 85 degree of Celsius which includes the room temperature (col. 13: 11- 15).

Regarding claims 11- 12, Skee teaches the method of cleaning wherein the substrates are in contact with the solution from 1 to 30 minutes (col. 13: 11- 15).

Regarding claim 13, Skee teaches the method of cleaning wherein the substrates are immersed in the bath (col. 13: 11- 12).

Regarding claim 14, Skee teaches the method for surface treatment operations including cleaning and etching semiconductor and wafer containing metal and glass (col. 13: 26- 38).

Response to Arguments

Applicant's arguments with respect to claims 1- 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY-AI N. NGUYEN whose telephone number is (571)270-3294. The examiner can normally be reached on Monday-Friday: 8:30 a.m. - 5:00 p.m. eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

THA